

Message Text

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12

ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 SIL-01

LAB-04 EB-07 SCA-01 MMO-01 /071 W

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R 080122Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7115

INFO SECDEF WASHDC

JCS

CINCPAC

CINCPACAF

CINCPACFLT

CINPACREPPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 9840

CINCPAC ALSO FOR POLAD

FROM USDEL 0088

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: DAILY SUMMARY NO. 13

REF: MANILA 9736

1. SUMMARY. U.S. AND PHIL DELS MET BRIEFLY IN PLENARY SESSION MORNING JULY 7 AND THEN SPENT REST OF DAY IN WORKING GROUPS. PLENARY WAS DEVOTED LARGELY TO RATHER UNSEEMLY DISPLAY OF COLLECTIVE BARGAINING TACTICS BY LABOR UNDER SECRETARY INCIONG, WHO TOOK POSITION HE HAD NOTHING FURTHER TO SAY OR DO UNTIL OR UNLESS U.S. SUBMITTED REDRAFT OF PHIL ARTICLE. HE WAS EVENTUALLY INSTRUCTED BY ROMUALDEZ TO RESUME MEETINGS WITH U.S. GROUP AND PURSUE TEXTS IN MUTUALITY. IN WORKING GROUPS, CONFIDENTIAL

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RELATIVELY LITTLE PROGRESS ENSURED, PARTLY BECAUSE U.S.

LACKS WASHINGTON RESPONSES TO ITS VARIOUS DRAFT PROPOSALS. MOST NOTEABLE LACK, HOWEVER, WAS INABILITY OF ROMUALDEZ TO PRODUCE A FIGURE FOR "DEFENSE SUPPORT." HE HAS INDICATED THAT HE WILL HAVE EITHER FULL OR PARTIAL DATA FOR JULY 8 SESSION. END SUMMARY.

2. SHORT MORNING PLENARY WAS LARGELY TAKEN UP BY THE TWO CHAIRMEN INSTRUCTING WORKING GROUPS TO PROCEED WITH THEIR SPECIFIC TASKS. SULLIVAN EXPRESSED HOPE THAT U.S. WOULD SOON BE ABLE TO PRODUCE LANGUAGE ON OUTSTANDING MATTERS SUCH AS FACILITIES AND CRIMINAL JURISDICTION. LABOR UNDERSECRETARY INCIONG DISPLAYED SOME MORE OF THE PIER SIX TACTICS OF THE CLASSIC LABOR INFIGHTER, FLATLY DENYING HIS CORRIDOR ASSERTION OF THE PREVIOUS DAY THAT HE "WOULD PLAY WITH THE WORDS" IN ARTICLE XI OF THE PHIL DRAFT TO TAKE INTO ACCOUNT U.S. CONCERNS. INCIONG INSTEAD TOOK THE TACK THAT THE U.S. SIDE SHOULD PRESENT A COUNTERPROPOSAL. INCIONG'S SAILS SAGGED SOMEWHAT WHEN WE REMINDED HIM THAT THE U.S. COUNTERPROPOSAL HAD ALREADY BEEN SUBMITTED TO HIM (PARA 7, REFTEL). IT BECAME APPARENT THAT INCIONG HAD NOT INFORMED THE PHIL PANEL OF OUR PROPOSAL. SULLIVAN PROCEEDED TO READ THE TEXT TO THE PHIL PANEL. INCIONG COUNTERED THAT THE U.S. PROPOSAL WAS UNACCEPTABLE. HE WENT ON TO SAY THAT ARTICLE XI IN THE PHILIPPINE DRAFT WAS INTENDED TO SUPERCEDE THE BASE LABOR AGREEMENT OF 1968. SULLIVAN RECOUNTED THE US POSITION THAT THE 1968 BASE LABOR AGREEMENT SHOULD BE REFERRED TO OR MADE AN ANNEX OF THE MILITARY FACILITIES AGREEMENT AND SHOULD NOT SIMPLY BE SET ASIDE. CHAIRMEN AGREED LABOR WORKING GROUP SHOULD FURTHER EXPLORE SUBJECT.

3. IN CHAIRMEN'S GROUP ROMUALDEZ SPENT CONSIDERABLE TIME IN DISCUSSING NEED FOR PHILS TO HAVE SOME LANGUAGE OTHER THAN "PRIOR CONSULTATION" TO DESCRIBE ARRANGEMENTS FOR U.S. USE OF FACILITIES FOR COMBAT PURPOSES. ALTHOUGH PHIL DRAFT USES PHRASE "EXPRESS CONSENT," HE INDICATED ACCEPTABILITY OF "MUTUAL AGREEMENT." HE THEN TURNED TO DISCUSSION OF "DEFENSE SUPPORT" AND APOLOGIZED FOR FAILURE TO PRODUCE FIGURE. HE SAID THIS WAS DUE TO FACT THAT CONFIDENTIAL

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DEFENSE DEPARTMENT WAS ATTEMPTING "JUSTIFY" ITS FIGURES BY CALCULATING COSTS OF EQUIPMENT REQUIRED IN ITS MODERNIZATION PROGRAM. SULLIVAN SAID HE WOULD BE WILLING TO TAKE THE LIST OF EQUIPMENT AND HAVE IT COSTED OUT BY U.S. EXPERTS. ROMUALDEZ SAID HE HOPED TO HAVE BOTH LISTS AND FIGURE BY JULY 8. ROMUALDEZ SAID HE DID NOT YET HAVE COMMENTS OR SUGGESTED REVISIONS ON ARTICLE CONCERNING REMOVAL OF PROPERTY WHICH SULLIVAN TABLE

JULY 6. FINALLY, ROMUALDEZ PRESSED FOR EARLY REPLY TO HIS
LETTER OF JUNE 21, WHICH HE SAID CONTAINED
QUESTIONS OF BASIC IMPORTANCE TO PRESIDENT MARCOS.

4. FACILITIES WORKING GROUP CONCLUDED DISCUSSION OF AREAS
TO BE INCLUDED IN AGREEMENT. PHILS CONFIRMED POSITIONS
THEY TOOK AT PREVIOUS SESSION AND HAD NO CORRECTIONS
EXCEPT TO EMPHASIZE THAT CONTROL OF WATERS OF SUBIC BAY
WOULD BE DISCUSSED IN WORKING GROUP ON OPERATION OF BASES.
LENGTHY DISCUSSION ON JOHN HAY REVEALED TOTAL

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NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 SIL-01

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R 080122Z JUL 76
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 7116
INFO SECDEF WASHDC
JCS
CINCPAC
CINCPACAF
CINCPACFLT
CINPACREPPHIL SUBIC
CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 2 OF 2 MANILA 9840

CINCPAC ALSO FOR POLAD

FROM USDEL 0088

E.O. 11652: GDS
TAGS: MARR, RP
SUBJECT: PHILIPPINE BASE NEGOTIATIONS: DAILY SUMMARY ,9. 13.

LACK OF PHIL PLANNING ON FUTURE USE OF FACILITY EXCEPT

THAT THEY HAD FIRM POSITION ON ITS RELINQUISHMENT. THEY EXPRESSED INTEREST IN LICENSING ARRANGEMENT OUTLINED IN U.S. DRAFT BUT LACKED SUGGESTIONS ON HOW THIS OR ANY OTHER PLAN TO CONSERVE JOHN HAY MIGHT BE IMPLEMENTED. POSSIBILITY OF RELINQUISHMENT TO AFP OR GOP WAS DISCUSSED BUT PELAEZ INDICATED PRESSURE FROM COMMERCIAL INTERESTS WAS VERY STRONG. U.S. REVIEWED PARAS 1-3 OF U.S. ARTICLE V ATTEMPTING TO MARRY CONCEPTS WITH PHIL ARTICLE II. PHILS WERE RECEPTIVE TO SUBSTANCE THESE THREE PARAS BUT ARE WORKING ON SOME CHANGES IN LANGUAGE. CONFIDENTIAL

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5. OPERATION OF BASES WORKING GROUP CONSIDERED SOME SPECIFIC LANGUAGE REVISIONS TO PHIL ARTICLES III, IV, AND V AND U.S. ARTICLES III AND IV ALONG LINES OF UNDERSTANDINGS PRESUMABLY ARRIVED AT 6 JULY. THERE WAS SOME ACQUIESCENCE BY PHILS TO U.S. PROPOSED WORDING BUT MOSTLY CONSISTENT ATTEMPTS BY PHILS TO WORK BACK TO WORDS/PROVISIONS/RESTRICTIONS OF PHIL ARTICLES III, IV AND V. AFTER SOME DISCUSSION, PHILS WERE CALLED AWAY TO PARTICIPATE IN PHIL STAFF MEETING PRESUMABLY TO REPORT STATUS OF DISCUSSIONS AND TO GET FURTHER GUIDANCE. SINCE 8 JULY IS SUPPOSEDLY LAST DAY ON PHIL NEGOTIATING SCHEDULE FOR ADDRESSING COMMAND, SECURITY AND ADMINISTRATION, IT MAY BE THAT PHILS WILL RESPOND ON THE MORROW WITH SOME REFLECTION OF HIGHER AUTHORITY GUIDANCE REGARDING THE ISSUES INVOLVED. ADDED NOTE--GENERAL ESPINO STATED THAT ALTHOUGH THEIR DRAFT DOES NOT SO STATE (AND U.S. DRAFT OBVIOUSLY DOESN'T), HE WANTS PROVISIONS FOR THE SEVERAL UNITS MENTIONED IN BAGUIO 0032, TO BE STATIONED AT CLARK AND SUBIC TO BE INCLUDED AT AN APPROPRIATE PLACE IN THE AGREEMENT.

6. LEGAL PANEL MET WITH BEN DE MESA AND ANOTHER OFFICIAL FROM BUREAU OF IMMIGRATION TO DISCUSS ENTRY AND EXIT PROCEDURES. THEY STATED UNEQUIVOCALLY THAT TERM "LIMITED PORT OF ENTRY" WAS INTENDED TO IMPLY THAT CATEGORIES OF PERSONS AUTHORIZED TO ENTER WOULD BE LIMITED BY THE AGREEMENT. THEY CLAIM THERE IS NO INTENTION TO USE THIS TERM TO SUGGEST THAT US BASES SHOULD ACCEPT COMMERCIAL AIR TRAFFIC AND THEIR ASSUMPTION IS THAT ONLY U.S. MILITARY AND MAC CHARTER AIRCRAFT WILL BE USING THE BASES. IN COURSE OF VERY RELAXED REVIEW OF CATEGORIES CONTAINED IN U.S. DRAFT, DE MESA INDICATED GOP IMMIGRATION AUTHORITIES HAVE NO PROBLEMS WITH EXISTING EXEMPTIONS AND ARE WILLING TO CONTINUE THEM. WE EMPHASIZED U.S. PROPOSALS FOR RELIEF FROM VISA REQUIREMENTS FOR NON-MILITARY OFFICIAL TRAVELERS, AND ELIMINATION OF VISAS RESTRICTED TO SINGLE USE OR TO ENTRY ONLY AT MIA,

DE MESA NOTED PROBLEM IS ONE MAINLY FOR ACTION BY DFA
INASMUCH AS THE ROLE OF GOP CONSULAR SERVICE IS AT
STAKE. HE SUGGESTED THAT U.S. ATTITUDES TOWARD
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PAYING FOR "SERVICES RENDERED" WOULD HAVE EFFECT ON
RESPONSIVENESS OF GOP IMMIGRATION SERVICE. DE MESA
NOTED THAT COMMERCIALCARRIERS AT MIA REIMBURSE BOTH
CUSTOMS AND IMMIGRATION FOR SERVICES RNDERED OUTSIDE
OF I-5 HOURS. WE ALSO UNDERSTAND CARRIERS ROUTINELY
PAY FOR ADDITIONAL INSPECTORS BEYOND THOSE NORMALLY
STATIONED AT MIA IN ORDER TO EXPEDITE CLEARANCE OF
LARGE PASSENGER LOADS ON WIDE BODIED AIRCRAFT. U.S.
SIDE NOTED THAT USG NOT IN SAME POSITION AS COMMERCIAL
CARRIER. MOREOVER, WE CONSIDERED THAT QUID ARRANGEMENT
OF THIS AGREEMENT SHOULD BE IN LIUE OF NICKLE AND DIME
REIUMBURSEMENTS OF THIS SORT. DISCUSSIONS WERE INCON-
CLUSIVE DUE TO PHIL REPS LIMITED VIEW OF THEIR AUTHORITY,
BUT WE RECEIVED IMPRESSION THAT ISSUES ARE OF PRINCIPLE
AND NOT OF SUBSTANCE.

7. LABOR WORKING GROUP POINTED OUT UNACCEPTABLE FACETS
OF PHIL ARTICLE XI AND GAVE SOME EXAMPLES OF THE KINDS
OF SAGEGUARDS NEEDED BY U.S. THAT WERE NOT PRESENT IN
THE PHIL DRAFT. PHILS SUGGESTED THAT PROPOSED ARTICLE
XI SIMPLE PROVIDE THAT RP LABOR LAWS AND REGULATIONS
APPLY EXCEPT AS NOTED IN A LABOR ANNEX AND THAT ANNEX
INCORPORATE RELEVANT PORTIONS OF BASE LABOR AGREEMENT
AS WELL AS OTHER PORTIONS OF THEIR PROPOSED ARTICLE
XI AS MAY BE AGREED UP. SUSTANTIAL PROGRESS MADE
TOWARDS DRAFTING OF A POSSIBLE ANNEX TO ARTICLE XI BASED
UPON PHIL PROPOSALS. HOWEVER, THE EXCEPTIONS AND SAFE-
GUARDS THAT WE WILL REQUIRE WILL BE TAKEN UP TOMORROW
AND WE MAY FIND OURSELVES BACK TO SQUARE ON WHEREIN
EACH SIDE HAS TABLED A PROPOSAL UNACCEPTABLE TO THE OTHER.
SULLIVAN

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